

9 Solicitors

A Legal practitioners

Lawyers in the United Kingdom jurisdictions generally **practise as solicitors** in private firms, as **legal advisers** in corporations, government departments, and advice agencies, or as **barristers** (see Unit 10). They can each **do advocacy**, **draft legal documents** and give written advice, but solicitors, unlike barristers, cannot **appear in every court**.

Traditionally, solicitors **undertake work** such as **conveyancing** (see Unit 40), and **drawing up contracts** (see Units 31–41) and **wills**. Barristers spend more time in court and **have a right of audience** in the higher courts. Unlike solicitors, barristers cannot usually be employed directly by clients but are **instructed** by solicitors. Solicitors normally **form partnerships** with other solicitors and work in offices with support staff. The qualification and **practice** of solicitors are regulated by the Law Society.

B Training

Sami, a 25 year-old **graduate**, is talking about his experience as a **trainee**.

‘My first **degree** was in engineering at Manchester University. Then I did two one-year law courses. The first led to the Common Professional Examination, or CPE; the second was the Legal Practice Course. I had a vacation **placement** at Applewood Branston, who offered me a two-year **traineeship**. They have a six seat system, which is quite common. Trainees spend time attached to different law departments, which suits me as I get a basic grounding in the main departments of the firm, helping me find which area of the law I’d like to **specialise in**. I can work in four or more different areas of law for four months at a time and then decide on a **specialism** later in the **training contract**. In my third seat, in Corporate Finance, I’ve learnt a lot from being **on secondment** with a client and got excellent back up from my seat supervisor, that is, **supervising partner**. It was good to put the professional skills training into practice straight away.’



C A partner in a law firm

Hélène, from Monaco, is an *avocat* **admitted to the Paris Bar** – the professional association for lawyers. She **graduated** with a Bachelor of Law (LLB) in Paris and **obtained a Master’s Degree (LLM)** in European Law from University College, London. She is a graduate of the Paris Institut d’Études Politiques.

‘I **joined** Applewood Branston two years ago and was promoted to **partner** in the corporate and banking team in Paris. Before that I worked for twelve years for other leading international law firms. I’ve got extensive experience of **privatisations, mergers and acquisitions**, and I advise investment banks and corporates.’



9.1 A potential Polish client is talking to an English solicitor. Complete the solicitor's statements (1–3). Look at A opposite to help you. There is more than one possibility for one of the answers.

1 I'm looking for a lawyer to help me buy some land for a business.

1 My firm undertakes a lot of We could advise you and help to contracts.

2 We've had some trouble in the past with getting large invoices paid.

2 We can do If your case goes to court, we have and I can in the lower courts.

3 Can you appear in the Appeal Court?

3 No, I'm a but my firm would instruct a if a case were to go to the Appeal Court.

9.2 Complete the table with words from A, B and C opposite and related forms. Put a stress mark in front of the stressed syllable in each word. The first one has been done for you.

Verb	Noun	Noun – person
'partner	'partnership	'partner
		trainee
advise		
	practice	
specialise		

9.3 Ana García is talking about her career. Complete what she says with words from the table above and B and C opposite. There is more than one possibility for one of the answers.



I'm an *abogada*, a lawyer in Spain. I obtained my law (1) in Barcelona. In the summers, as a student, I did a vacation (2) in my uncle's law (3) I (4) from university six years ago. Because my English and French are good I got a (5) to the New York office of my firm. While I was there I was (6) by the mergers and acquisitions team. I've always enjoyed working with large companies so now I want to (7) in (8)

Over to you

Write or talk to someone about your experience of legal education and training. For information on the work of solicitors and links to other international professional organisations, go to: www.lawsociety.org.uk/home.law and the International Bar Association: www.ibanet.org/.

17 Explanations and clarification

A Explaining a procedure

When you list the different stages of a procedure, your listeners' comprehension of the information that you are presenting will be better if you use phrases to structure and signpost what you say. For example:

First ..., then ..., next ..., after that ..., finally ...

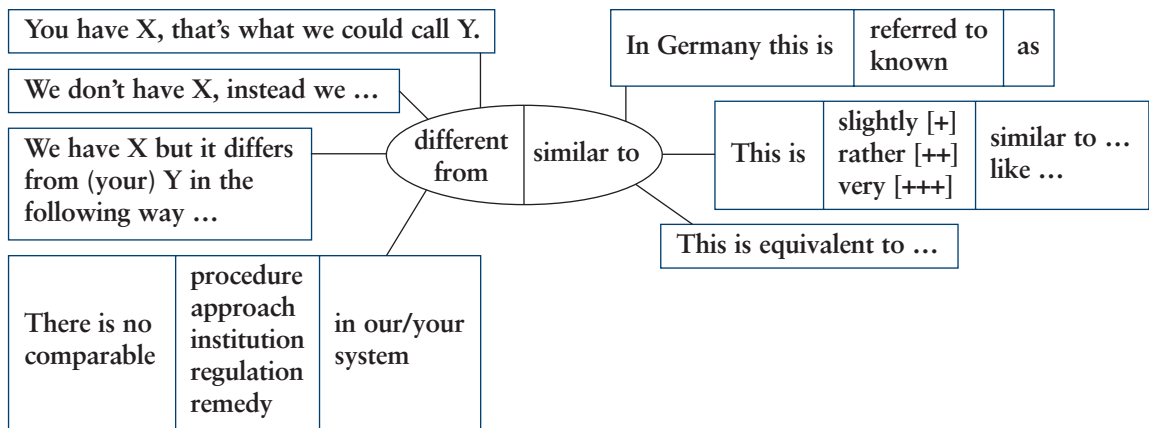
Other phrases you might use include:

The next thing/step is to ..., once that's been done ..., before that happens you/we ..., the last step will be to ...

B Approximating and comparing

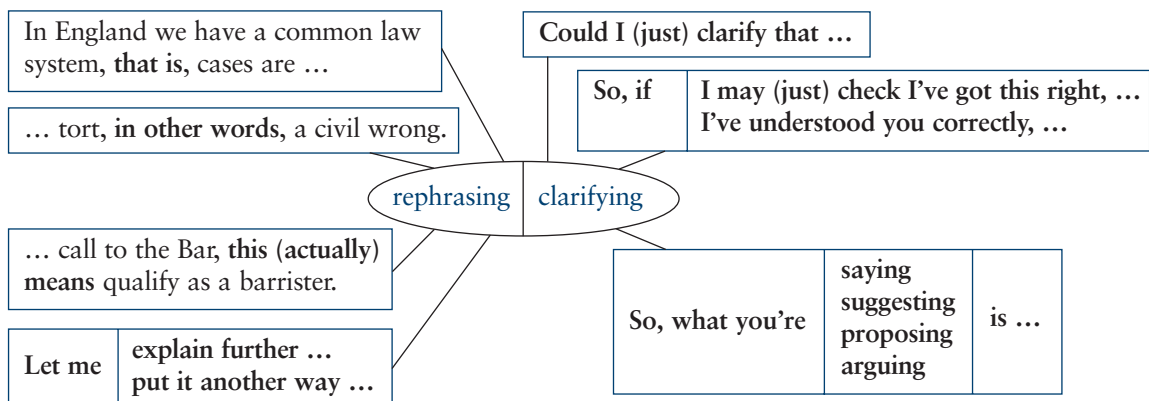
When talking to or writing to a client or colleague from another legal system, you may need to explain or describe features of your system which are different or broadly similar. The phrases below can be used to compare aspects of your system. It may be appropriate to use key terms in your own language and then offer a comparative explanation, for example:

In Scotland 'delict' arises from the law of obligations. **This is comparable to 'tort' in England.**



C Rephrasing and clarifying

When you are explaining something which is new or complex, it is important to check that your listeners understand what may be new terms or concepts. You can help their comprehension by rephrasing your words and help your own comprehension of what they say by rephrasing or summarising their words. You can use the phrases below to signal that you are rephrasing or asking for clarification.



- 17.1** Explain the different stages in getting proprietary rights for an invention as if to a client. Look at A opposite and use the information below to help you. The first part of the explanation has been done for you.
- consider submitting an application to the patent office in the research phase
 - don't publicly disclose the invention because this might be interpreted as prior publication
 - think about using the services of a registered patent agent to help prepare the specification (the legal document) required by the patent office
 - complete the form 'Request for grant of patent'
 - take or send the documents to the patent office
 - the patent office decides whether the invention fulfils specific conditions before it grants a patent

You wanted me to give you an outline of the stages in getting proprietary rights. First, consider submitting an application to the patent office in the research phase.

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- 17.2** Complete the sentences with words and phrases from B opposite. Use the index to look up any unfamiliar terms. There is more than one possibility for four of the answers.
- 1 A bona fide act is an act in good faith.
 - 2 The jury system in Scotland that in England because there are 15 jurors on a panel in Scotland compared with 12 in England.
 - 3 In the English legal profession, those with rights of audience in all the courts are barristers; in Scotland they are advocates.
 - 4 ALADI (Latin American Integration Association) is APEC (Asia Pacific Economic Cooperation) because it shares the aim of strengthening the trading system between its members.
 - 5 In Scotland, juries may reach one of three verdicts: guilty, not guilty or not proven. This England where only two verdicts are possible: guilty or not guilty.

- 17.3** Complete the sentences with words and phrases from C opposite. There is more than one possibility for two of the answers.
- 1 The clause excludes abnormal weather conditions, , weather which is significantly different from previous records, like a hurricane.
 - 2 Towards the end of the agreement there are usually the boiler-plate clauses, , clauses such as what the applicable law will be and the way in which notices have to be served.
 - 3 During negotiations, arguments can often arise in connection with when a party has to perform an obligation. , disputes can happen over the interpretation of terms like: 'immediately', 'forthwith' and 'as soon as possible'.
 - 4 You referred to the term 'forthwith'. you're saying the term is ambiguous?

Over to you 

Use appropriate phrases from A to talk about a complicated legal procedure you have to manage in the course of your work. Or, compare an aspect of your country's legal system or law with an equivalent in the UK or the USA or another legal system.